

**Remarks****I. Status of Application**

Claims 1, 4-13, 21-27, and 29 are pending in the application. Claims 1-13 are rejected. Claims 2 and 3 have been cancelled. Claims 14-20 and 28 are withdrawn. Claim 29 has been added.

**II. Restriction Requirement**

Claims 14-28 were withdrawn by the Examiner as being directed to a non-elected invention. The Examiner stated that claims 21-28 did not include any predetermined dollar investment amount. Applicants have amended claims 21-27 to cite a predetermined dollar investment amount, and respectfully traverse the restriction requirement with respect to those amended claims.

**III. Claim Rejections - 35 USC §101**

Claims 1-13 were rejected under 35 U.S.C. 101 as being allegedly directed to non-statutory subject matter. Applicants have amended claims 1 and 4-12 and respectfully traverse the rejection. Independent claims 1 and 9, as amended, now recite "causing funds to be transferred," which constitutes a useful, concrete and tangible result of the claimed methods.

Additionally, claims 1-13 were rejected as allegedly failing to fall within the technological arts, although no basis has been cited. Nevertheless, in order to further the prosecution of the application, applicants have amended claims 1 and 4-12 and respectfully traverse the rejection. Independent claims 1 and 9, as amended, now recite a processor, which

may comprise, for example, the automated system for completing investment transactions described in the specification at paragraph [0040], for example.

#### IV. Claim Rejections - 35 USC §103

Claims 1-13 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 6,112,191 (“Burke”) in view of U.S. Patent No. 6,164,533 (“Barton”). In response, Applicants have amended claim 1 and 4-12, and respectfully traverse the rejection.

##### *Amended Claim 1*

In accordance with amended claim 1, a request is received from a purchaser at a point-of-sale transaction. In response, investment-preference information is identified that includes a predetermined dollar investment amount. The predetermined dollar investment amount may be selected by the purchaser prior to the transaction, for example, when the purchaser enrolls in the investment program (specification at [0033]). After the point-of-sale transaction is completed, funds equal to the predetermined dollar investment amount are transferred to a selected investment account. Neither Burke nor Barton discloses identifying investment-preference information that includes a predetermined dollar amount for an on-demand investment, as recited in amended claim 1.

Burke discloses a method of accumulating credits in payor surplus accounts from financial transactions between a payor and a payee (col. 1, lines 58-60). A demanded amount due the payee is entered, and an additional amount offered the payor is entered (col. 1, lines 60-62). The additional amount is deposited in the surplus account (col. 1, lines 60-62). However, as

the Office Action states, Burke fails to teach or suggest identifying a purchaser's investment-preference information that includes a predetermined dollar investment amount for an on-demand investment, as required by amended claim 1 (page 5 of Office Action).

Barton discloses a system for automatically contributing monies to a savings program upon making a purchase (col. 4, lines 20-24). A user makes a purchase using a credit card, for example (col. 5, lines 1-2). A contribution, which may consist of 1%-5% of the purchase amount, is deposited into a savings account selected by the user (col. 5, lines 45-50).

Nowhere does Barton teach or suggest identifying investment-preference information that includes a predetermined dollar amount, as recited in amended claim 1. Although Barton discloses several "modes" for contributing investment monies during a purchase, none of Barton's modes for investment includes a predetermined contribution amount. Barton's first mode includes a contribution amount calculated as a percentage of the purchase price of a product or service (col. 5, lines 5-8). Here, the contribution amount is clearly derived from the purchase amount, and thus is not "predetermined." Barton's second mode includes a contribution amount calculated as a difference between the total purchase amount and a rounded up dollar value (col. 5, lines 8-11). Again, the contribution is clearly dependent on the purchase amount and is not predetermined. In accordance with Barton's third mode, a "total coupon amount" is used to determine the investment amount (col. 5, lines 11-14). The number or value of coupons used in any given purchase may vary. Consequently, the "total" coupon amount is not determined until the customer actually presents one or more coupons at the point-of-sale location, and thus is not a "predetermined dollar amount," as required by amended claim 1. In Barton's fourth mode, the contribution amount equals the total change amount for a given

purchase. Once again, the total change amount is in part a function of the purchase amount, and is not predetermined. Accordingly, amended claim 1, together with its dependent claims (2-8), are patentable over the cited art.

*Amended Claim 9*

Neither Burke nor Barton teaches or suggests transferring funds equal to a predetermined dollar investment amount, where the predetermined amount is determined independently of a purchase amount determined at a point-of-sale transaction, as required by amended claim 9. As discussed above (and as stated in the Office Action), Burke fails to teach or suggest identifying any sort of predetermined dollar investment amount for an on-demand investment.

Barton also fails to teach or suggest transferring funds equal to a predetermined dollar amount determined independently of a purchase amount, as recited in amended claim 9. As mentioned above, Barton discloses several “modes” for contributing investment monies during a purchase. Barton’s first mode includes a contribution amount calculated as a percentage of the purchase price of a product or service (col. 5, lines 5-8). Here, the contribution amount is clearly derived from the purchase amount, and thus is not “determined independently of the purchase amount.” Barton’s second mode includes a contribution amount calculated as a difference between the total purchase amount and a rounded up dollar value (col. 5, lines 8-11). Again, the contribution is clearly dependent on the purchase amount. In accordance with Barton’s third mode, a “total coupon amount” is used to determine the investment amount (col. 5, lines 11-14). However, a “total” coupon amount is not determined until the customer actually presents one or more coupons at the point-of-sale location, and therefore is not a “predetermined dollar amount,”

as required by amended claim 9. In Barton's fourth mode, the contribution amount equals the total change amount. Once again, the total change amount is derived from the purchase amount. According, amended claim 9, together with its dependent claims (10-13) are patentable over the cited art.

#### V. Claim 21

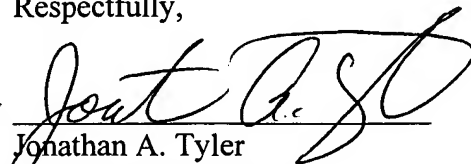
Claims 14-28 were withdrawn by the Examiner as being directed to a non-elected invention. In response, Applicants have amended claim 21 to recite identifying investment-preference information including a predetermined dollar investment amount determined independently of any purchase amount determined at a point-of-sale location (the predetermined dollar investment amount is then contributed to one or more selected accounts). As discussed above, neither Burke nor Barton teaches or suggests this feature. According, amended claim 21, together with its dependent claims (22-27) are patentable over the cited art.

**VI. Conclusion**

In view of the foregoing, each of claims 1-13, 21-27, and 29, as amended, is believed to be in condition for allowance. Accordingly, consideration or reconsideration of these claims, as appropriate, is requested and allowance of the application is earnestly solicited.

Respectfully,

By

A handwritten signature in dark ink, appearing to read "Jonathan A. Tyler", is written over a horizontal line.

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